

## WORK SESSION AGENDA

January 18, 2022

5:00 p.m.

The purpose(s) of the meeting shall be for the Commission to receive, consider, discuss, deliberate and debate the matters listed herein below and such other public business as may lawfully be undertaken provided that no formal votes are to occur and no matters or issues will be formally decided upon at this meeting.

- I. American Rescue Plan (ARP) funds and Tennessee Department of Environment and Conservation (TDEC) funds allocation proposals
- II. Loan Application for outfitting the new Police vehicles Resolution No. 22-1454 (Alexander)
- III. Electrical Code update Ordinance No. 22-1204 (Tate)
- IV. Beer Board Hearing – Mr. Burrito
- V. Any other business to discuss

Hollie Berry  
Mayor

# *City of Red Bank*

Martin Granum  
City Manager

## **BOARD OF COMMISSIONERS MEETING**

Agenda

January 18, 2022

6:00 p.m.

**I. Call to Order – Mayor Hollie Berry**

**II. Roll Call – City Recorder**

Mayor Hollie Berry \_\_\_\_\_ Vice Mayor Stefanie Dalton \_\_\_\_\_, Commissioner Ruth Jeno \_\_\_\_\_,  
Commissioner Ed LeCompte \_\_\_\_\_ Commissioner Pete Phillips \_\_\_\_\_

**III. Invocation – Minister Adam Whitescarver – Red Bank Cumberland Presbyterian Church**

**IV. Pledge of Allegiance – City Manager**

**V. Consideration of the Minutes for approval or correction:**

**A. January 4, 2022 Work Session**

NONE

**B. January 4, 2022 Commission Meeting**

**TEMPORARY ADJOURNMENT OF REGULAR MEETING**

**VI. Beer Board Meeting**

**A. Call to Order – Mayor Hollie Berry**

**B. Roll Call – City Recorder**

**C. New Business**

1. Application for Beer Permit by Jose Vazquez Vargas, d/b/a Mr. Burrito Grill II,  
2601 Dayton Blvd, Red Bank, TN 37415

**D. ADJOURNMENT**

**RECONVENE REGULAR MEETING**

**VII. Communication from the Mayor**

**VIII. Commissioner's Report**

**A. Vice Mayor Stefanie Dalton**

**B. Commissioner Ruth Jeno**

**C. Commissioner Ed LeCompte**

**D. Commissioner Pete Phillips**

**IX. City Manager Report**

**X. Unfinished Business**

NONE

**XI. New Business**

- A) RESOLUTION NO. 22-1454 RESOLUTION OF THE CITY OF RED BANK, TENNESSEE,  
AUTHORIZING THE ISSUANCE OF INTEREST BEARING POLICE DEPARTMENT CAPITAL  
OUTLAY NOTES, SERIES 2022, IN AN AMOUNT NOT TO EXCEED \$137,603, AND  
PROVIDING FOR THE PAYMENT OF SAID NOTES

**B) ORDINANCE NO. 22-1204 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND AND UPDATE AND REVISE TITLE 12, CHAPTER 3, SECTIONS 301 ET. SEQ. OF THE RED BANK CITY CODE WITH RESPECT TO THE ADOPTION AND ENFORCEMENT OF THE ELECTRICAL CODE (first reading)**

**XII. Citizen Comments from Red Bank Citizens on Items not on the Agenda  
(3 minute limit)**

**XIII. Adjournment**

*"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Commission."*

**BOARD OF COMMISSIONERS MEETING**

Minutes  
January 4, 2021  
6:00 p.m.

The City Commission of the City of Red Bank, Tennessee met, in regular and duly advertised session, at the Commission Chambers located at 3117 Dayton Boulevard. Notice of the meeting and instructions for virtually monitoring same was duly advertised in the Chattanooga Times Free Press and by posting on the City's website and Facebook page and by posting written notice of same on the front door of City Hall.

- I. **Call to Order** – Mayor Hollie Berry called the meeting to order at 6:01 p.m.
- II. **Roll Call** – City Recorder Tracey Perry called the roll. Mayor Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Pete Phillips were present. Also present was City Attorney Arnold Stulce, Jr.; City Manager Martin Granum; Fire Chief Brent Sylar; Police Chief Dan Seymour; Finance Director John Alexander; Public Works Director Greg Tate; City Recorder Tracey Perry and those listed on Exhibit A.
- III. **Invocation** – Mia Pittman-Head, Omega Harvest Church  
Reverend Pittman-Head was present and lead the invocation.
- IV. **Pledge of Allegiance** – City Manager Granum
- V. **Consideration of the Minutes for approval or correction:**
  - A. **December 21, 2021 Agenda Work Session**  
Vice Mayor Dalton made a motion to approve as written, seconded by Commissioner Jenó.  
Motion carried with all present Commissioners voting "yes".
  - B. **December 21, 2021 Commission Meeting**  
Commissioner LeCompte made a motion to approve as written, seconded by Commissioner Jenó.  
Motion carried with all present Commissioners voting "yes".
- VI. **Communication from the Mayor**
  - Welcomed everyone to the first meeting of the year
  - Happy New year to all
  - With this being a mid-term election year, expressed her intent to meet with any candidate for office whose interests align with her own
  - The next Red Bank Community Food Pantry will be Thursday, January 6 from 4:30 to 6 PM at the Red Bank United Methodist Church
- VII. **Commissioner's Report**
  - A. **Vice Mayor Stefanie Dalton**
    - Thanked everyone for being here
    - Looking forward to the work we, the Commission and City, will do this year
    - Senator Bo Watson will be hosting a Town Hall meeting at the Red Bank Community Center on January 13, from 6 – 7:30 PM to gather feedback on a new funding formula for public education. Go to [www.tn.gov/education.tnedufunding](http://www.tn.gov/education.tnedufunding) for more information
    - Thanked everyone for participating in the Red Bank Chamber's Elf on the Shelf event last month
    - Thanked The Batterie, a Red Bank business, that raised over \$250 for St. Jude's Hospital



- Thanked Bridgett Raper, our Public Information Officer (PIO), for issuing a press release on the four Red Bank businesses that received awards of excellence in 2021 – BeCaffeinated, Pizzaria Cortile, Green's Design & Supply and Northside Neighborhood House
- Red Bank resident and owner of The Daily Ration and The Bitter Alibi, Jason Bowers, closed on the old Big Frog Brewing Company parcel and plans to open a family-friendly restaurant and taproom with an outdoor patio
- Welcomed all the teachers and students back to school after winter break

#### **B. Commissioner Ruth Jeno**

- New Year blessing to all
- Thanks to all City employees for the hard work this past year
- Read an email from Link Sparks inviting everyone to a "Valentines for Veterans" event at the Red Bank Community Center on January 15 & 29 from 11 AM to 2 PM to make cards to send out to veterans on Valentine's Day

#### **C. Commissioner Ed LeCompte**

- Thanked everyone for attending tonight
- Enjoyed his Christmas vacation in Daytona Beach, FL

#### **D. Commissioner Pete Phillips**

- Happy New Year to all and thanks for attending tonight
- The Commission is getting conversation(s) started on new projects and finishing up on old ones
- Gave a "Shout out" to the City staff for a well-run City

### **VIII. City Manager Report**

- Asked Fire Chief Sylar to give a brief presentation on the design and delivery schedule for the new fire truck the City is purchasing for the Fire Department
- Spoke on a potential 5k or 10k run being introduced as the "kick-off" for the annual Jubilee in May
- Update on the Digital Transformation project:
- Our Information Technologies (IT) company, RJ Young, will be presenting a demonstration highlighting the first step in the process to the City staff later this month
- Police Chief Seymour is also working with RJ Young to update the City's email infrastructure
- Thanked the Commissioners for allowing the generous holiday time off for the City staff
- Has started work with a local photographer, Brooke Bagger, on a project to photograph the City and display in City buildings
- Has presented Trust for Public Land (TPL) with 2 additional trails to explore for the Stringer's Ridge Connector project
- City staff is working to simplify the new Liquor Ordinance
- Is working with a local person, Laura Vinson, on a Public Affairs Initiative

### **IX. Unfinished Business**

#### **A) ORDINANCE NO. 21-1203 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2022 OPERATING BUDGET TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF TERM LIFE INSURANCE PROVIDED AS A BENEFIT FOR FULL-TIME EMPLOYEES (second and final reading)**

Mayor Berry read the caption and called the matter for action. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Phillips. Some discussion. No citizen comments. Roll Call Vote: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Jeno "yes", Commissioner Phillips "yes" Commissioner LeCompte "yes". Ordinance No. 21-1203 was approved on second and final reading.

### **X. New Business**

None.

**XI. Citizen Comments from Red Bank Citizens on Items not on the Agenda  
(3 minute limit)**

None.

**XII. Adjournment**

A motion to adjourn was made by Vice Mayor Dalton, seconded by Commissioner LeCompte. Motion carried with all present Commissioners voting "yes". The meeting was adjourned at 6:23 p.m.

\_\_\_\_\_  
Mayor Hollie Berry

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Recorder Tracey Perry      Date

## RESOLUTION NO. 22-1454

### **RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING POLICE DEPARTMENT CAPITAL OUTLAY NOTES, SERIES 2022, IN AN AMOUNT NOT TO EXCEED \$137,603, AND PROVIDING FOR THE PAYMENT OF SAID NOTES**

**WHEREAS**, the Board of Commissioners (the "Board"), of the City of Red Bank, Tennessee (the "Municipality" or the "City"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance a portion of the costs of the acquisition of four police vehicles for the Police Department of the City, the acquisition of all other property appurtenant thereto and connected with such work, and to pay costs incident thereto (collectively, the "Project");

**WHEREAS**, the Municipality estimates that the life of the Project has an economic life of greater than five (5) years;

**WHEREAS**, the Municipality finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

**WHEREAS**, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

**WHEREAS**, the Municipality is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of the Division of Local Government Finance (the "Director of the Division of Local Government Finance");

**NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Red Bank, Tennessee, as follows:**

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$137,603, or such lesser amount as may be determined by the Mayor of the Municipality (the "Mayor") at the time of sale (collectively, the "Notes", individually, the "Note").

Section 3. Terms of the Notes. The Notes shall be designated "Police Department Capital Outlay Notes, Series 2022". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 2.10% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), and shall mature not later than the end of the third fiscal year following the fiscal year in which the Notes are issued. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. If the Notes are issued through the Tennessee Municipal Bond Fund ("TMBF"), alternative loan program, the rate of interest will include an annual fee equal to 15 basis points (0.15%), payable to TMBF by the bank, to be paid from each periodic payment of interest on the Notes, based on the outstanding principal amount of the Notes. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such

terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes. The weighted average maturity of the Note shall not exceed the reasonably expected weighted average life of the Project which is hereby estimated to be five (5) years. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes.

Interest on the Notes shall be payable by wire transfer, electronic means, or by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owner of such Notes, as of the applicable Interest Payment Date, at their respective addresses as shown on the Registration Books of the Municipality maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall not be subject to redemption, in whole or in part, prior to maturity; provided however, at the option of the Municipality, upon thirty (30) calendar days written notice to the registered owner, and with the consent of the registered owner, the Municipality may prepay the Notes in full at the price of par plus a 1% premium, and accrued interest to the date of redemption. Notwithstanding the above, the Municipality may make additional principal payments on the Notes upon fifteen (15) calendar days' written notice to the registered owner.

Section 5. Execution. The Notes shall be executed in the name of the Municipality; shall bear the manual signature of the Mayor and shall be countersigned by the City Recorder of the Municipality (the "City Recorder"), with his or her manual signature. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the Mayor may deem necessary or desirable, the blanks to be appropriately completed by the Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The City Recorder of the Municipality is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as it may designate, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein.

(b) The Municipality may from time to time at its discretion remove the Note Registrar and appoint a successor Note Registrar to whom all records, documents, and instruments relating to its duties as Note Registrar shall be delivered. Any successor Note Registrar shall be appointed by resolution of the Municipality, and shall be a trust company or bank having the powers of a trust company, having, at the time of such appointment, a combined capital, surplus, and undivided profits aggregating at least Ten Million Dollars (\$10,000,000), and be willing and able to accept the office of Note Registrar on reasonable and customary terms, and authorized by law to perform all duties imposed upon it by this Resolution.

(c) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the Registration Books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or his, her or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the Municipality shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the Municipality by the person or entity requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer. Neither the Municipality nor the Note Registrar shall be obligated to transfer any Note during the fifteen (15) calendar days next preceding the maturity date of the Notes or any call for redemption.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the Municipality and to the Note Registrar, if required by the Municipality and the Note Registrar.

Any notice to the contrary notwithstanding, the Municipality and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owner of the Notes as the absolute owner thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under the Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem



taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the Municipality is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent required, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in a the general fund or debt service fund and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of the Division of Local Government Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of the Division of Local Government Finance, as provided by Section 9-21-601 et. seq., Tennessee Code Annotated, as amended. The Mayor, City Recorder, City Manager, Finance Director, City Attorney, and Bond Counsel are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Municipality shall submit its annual budget to the Director of the Division of Local Government Finance for approval immediately upon the Municipality's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by private negotiated sale at a price of not less than par.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "Police Department Capital Outlay Notes, Series 2022 Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the Municipality. The monies in the Project Fund shall be disbursed solely to finance the Project and to pay the costs of issuance of the Notes. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the Note Fund and used to pay principal on the Notes.

Section 16. Non-Arbitrage Certification. The Municipality certifies and covenants with the owner of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented, or revised. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the



opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owner thereof for federal income tax purposes.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owner of the Notes for purposes of federal income taxation.

Section 17. Designation of Notes as Qualified Tax-Exempt Obligations. The Municipality hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Municipality reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the Municipality (i) any issuer with respect to which the Municipality is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the Municipality (together with those issued by any other issuers that are treated as on issuer under such Section 265(b)(3)) during the 2022 calendar year will be designated as "qualified tax-exempt obligations".

Section 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes

Section 19. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 20. Miscellaneous Acts. The Mayor, the City Recorder, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 21. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 22. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note

need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 23. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 24.     Severability.    If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 25. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 18th day of January, 2022.

Mayor Hollie Berry (date)

Attest:

City Recorder Tracey Perry (date)

**ORDINANCE NO. 22-1204**

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO  
AMEND AND UPDATE AND REVISE TITLE 12, CHAPTER 3,  
SECTIONS 301 ET. SEQ. OF THE RED BANK CITY CODE WITH  
RESPECT TO THE ADOPTION AND ENFORCEMENT OF THE  
ELECTRICAL CODE**

WHEREAS, it is necessary from time to time for the current revisions of the national electrical code and other updates and amendments to the Electrical Code of the City of Red Bank to be reviewed, enacted and adopted;

WHEREAS, certain practical aspects of the Electrical Code as currently enacted are in need of review, amendment, update and modification;

WHEREAS, the Hamilton County Electrical Inspector, who has been the designated "Electrical Inspector" for the City of Red Bank for a number of years has determined and advised the City of Red Bank that person/office is no longer willing to perform the function of official Electrical Inspector for the City of Red Bank; and

WHEREAS, since the 2011 edition of The National Electrical Code, has been adopted by the City, additional editions have been issued in 2017 and in 2020, it becomes necessary and appropriate for the benefit for the citizens of the City of Red Bank to adopt the most recent version of the National Electrical Code, i.e. the 2020 edition, together with all amendments and appendices therein provided, enacted, and or adopted;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. Title 12, Chapter 3, Section 12-301 **Electrical Code Adopted** is amended to delete the following words and phrases: "The National Electrical Code, 2011 edition" and there is substituted in its place instead the following:

"The National Electrical Code, 2020 edition" in its place instead

BE IT FURTHER ORDAINED that the following paragraph is added to say Section 12-301:

In addition, and in order to provide for additional efficiency and interjurisdictional consistency, having confirmed that Hamilton County has also adopted and or is in the process of adopting The National Electrical Code 2020 edition, as amended and appended, the City of Red Bank hereby prospectively adopts and incorporates by reference any additional amendments and or revisions to The National Electrical Code as shall be hereafter periodically adopted and or accepted and or enacted and or enforced by Hamilton County, Tennessee as the Electrical Code

for the City of Red Bank, and such amendments, and adoptions by Hamilton County shall, ipso facto, be construed so as to amend the provisions of this Ordinance.

SECTION 2. Title 12, Chapter 3, Section 12-305 **Chief Electrical Inspector** is amended by deleting the same in its entirety and substituting in its place instead the following:

12-305 **Chief Electrical Inspector**. The City Manager shall be responsible for selecting, retaining and designating a qualified Chief Electrical Inspector for the City of Red Bank, which person shall be an electrical inspector currently registered with and licensed by the State of Tennessee and who shall also possess such other qualifications and experience as the City Manager shall determine to be necessary or appropriate from time to time. In the discretion of the City Manager, the duly designated Hamilton County Electrical Inspector, or the duly designated Electrical Inspector(s) of any other municipality in Hamilton County, as long as such person(s) otherwise meet(s) the minimum standards hereinabove set forth, may be designated to perform inspection duties and activities for the City of Red Bank under the provisions of this Chapter as needed and from time to time. The City Manager is hereby expressly authorized to enter such governmental agreements as may be necessary or convenient to effectuate this discretionary function. The Chief Electrical Inspector for the City of Red Bank may be, in the discretion of the City Manager, a full or part time employee or an independent contractor for such electrical inspection duties as the City Manager may find necessary, convenient, or appropriate from time to time.

The Chief Electrical Inspector is hereby authorized, empowered and directed to regulate and determine the placement of electrical lights, electrical wires, power wires into and on any building and or structures and or facilities in the city so as prevent fires, accidents or injuries to persons or properties. The Inspector shall cause all electrical appliances, equipment or apparatus to be so placed, constructed and guarded as not to cause fires, or accidents or endanger life or property, all in compliance with the provisions of the then currently adopted Electrical Code for the City of Red Bank. Whenever in the judgment of said Chief Electrical Inspector any inspection of any electric wires, apparatus, or appliances shall be defective by reason of improper or insufficient insulation, for obsolescence, for inadequacy of capacity or any other reason consistent with the then applicable version of the City's Electrical Code, the said Electrical Inspector shall at once cause the immediate removal of such defect and shall be empowered to cause the disconnection of any such facility, building, apparatus, equipment etc. from the public electric supply as shall then be necessary.

SECTION 3. Title 12, Chapter 3, Section 12-306 **Inspector's Right of Entry** shall be and is hereby amended by adding the words "spaces, enclosures, properties and facilities" immediately following the word "building" in the second line of said Section 12-306 and also following "buildings" in the sixth line of said Section 12-306.

SECTION 4. Title 12, Chapter 3, Section 12-308. **Covering Uninspected Work** shall be amended by adding, an additional sentence at the end of the said Section 12-308 as follows: If the inspector shall find any such previously uninspected work to have been previously covered, so

that the same cannot be seen, observed and inspected the inspector is authorized to require the same to be uncovered, at the expense of the owner/electrical contractor or other person or entity then in control of the particular premises, building, space, enclosure and or property then currently at issue.

SECTION 5. Title 12, Chapter 3, Section 12-310. **Re-inspecting Existing Wiring** shall be amended as follows: Add the words “and or any other electrical appliance, fixture, apparatus and or equipment” immediately after the word “wiring” and immediately before the word “installation” in the second line of said Section 12-310.

SECTION 6. Title 12, Chapter 3, Section 12-317. **Permit Fees for Contractors** subsection (1) of said Section 12-317 is amended (a) by deleting the words “The City Commission having acted by Ordinance and contract to designate the Hamilton County Electrical Inspector as the Electrical Inspector for the City of Red Bank” from Subsection (1) such that the first word of Subsection (1) is the word “The” as otherwise currently provided in Subsection (1), and (b) by incorporating and adopting the following fee schedules:

(1) **Residential Electrical Permit Fees:**

Item	Fee
*Permit Fee	\$50.00
*Inspection Fee (Rough-in/Final)	\$70.00
Re-Inspection Fee	\$35.00
Temp. Service (100 amp max)	\$20.00
Inspection Fee (when power is out over one year)	\$50.00

(2) **Commercial Electrical Permit Fees:**

Item	Fee
0-30 Amp Circuits	\$4.00 each
31-100 Amp Circuits	\$8.00 each
100 Amp Circuits or More	\$16.00 each
Temp. Service (100 amp max)	\$35.00
Service over 600 volts (\$0.40 per KVA \$100 minimum)	\$100.00 minimum
Re-Inspection Fee	\$35.00
Sign: 25 square feet or less	\$40.00
each additional square foot (over 25 square feet)	\$0.40
Signs re-erected on same location (same supports)	\$40.00
Signs removed from one location to another (permit to be taken for new location plus \$0.40 per sq. ft. over 25)	\$40.00 minimum
Permit not required for sign removal	
*Permit Fee	\$50.00

SECTION 7. Title 12, Chapter 3, Section 12-317 Subsection (2) is further amended by deleting the words “Hamilton County Electrical Inspectors Office” from the second line of said

Subsection (2) and substituting in its place instead thereof “The Office from the Red Bank Chief Electrical Inspector’s Office, or such entity, person, place or Office located in the City of Red Bank, Tennessee as shall be designated by the City Manager, from time to time”.

SECTION 8. Title 12, Chapter 3, Section 12-319. **Notice, Correction of Defects Etc.** shall be amended by deleting the words “Three (3) dollars for compliance” from Subsection (1) and substituting in place instead thereof the following:

See Section 12-317 for fee schedules

SECTION 9. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 10. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

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Mayor

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City Recorder

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Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney